

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ISABEL TERESA FERNANDEZ JENKINS, as :
Next of kin of MYKEL D. JENKINS (Deceased), :
 :
Plaintiff, :
 :
vs. : Civil Action No. 1:22-cv-69
 :
CITY OF CHATTANOOGA, CHATTANOOGA :
POLICE DEPARTMENT, JOHN DOE 1, JOHN :
DOE 2, JOHN DOE 3, and JOHN DOE 4, in their :
Official capacities as agents for the Chattanooga :
Police Department, :
 :
Defendants. :

**CITY OF CHATTANOOGA, CHATTANOOGA POLICE DEPARTMENT AND JOHN
DOE(S) 1-4 STATEMENT OF UNDISPUTED FACTS**

Comes the Defendants, City of Chattanooga, Chattanooga Police Department and John Doe(s) 1-4, by and through counsel submits its Statement of Undisputed Material Facts pursuant to the Scheduling Order (Document 16) filed on July 7, 2022. The Defendants would show that there is no issue of disputed material facts concerning the following:

1. On March 19, 2021, at approximately 10:23 a.m. Chattanooga Police Department responded to a disorder call at 3624 Premium Drive, Chattanooga Tennessee.¹
2. Ms. Isabel Jenkins made the initial call to the police.²

¹ See 911 Incident detail report Attached Exhibit 1.

² See Complaint ¶12

3. Approximately two (2) weeks prior to March 19, 2021, Ms. Jenkins called the police and told them that Mykel Jenkins was destroying her property because he punched through the wall.³
4. Officer Brian Blumenberg and Officer Blake Martin initially responded to the disorder call on March 19, 2021.⁴
5. These two officers initially encountered Mykel Jenkins in the residence pacing in a bedroom.⁵
6. Ms. Isabel Jenkins was also on scene and told police that Mykel Jenkins just got out of jail for throwing beer cans. Ms. Jenkins also stated that Mykel Jenkins hit her with the beer can.⁶
7. Officer Blumenberg asked Mykel Jenkins to put the items in his hands down on multiple occasions⁷.
8. Mykel Jenkins started pacing back and forth with a sharp object. Officers Martin and Blumenberg told Mykel Jenkins that they were trying to get him help. One of the officers asked Ms. Jenkins for background information on Mykel Jenkins.⁸
9. Ms. Isabel Jenkins next informed the officers that Mykel Jenkins was not supposed to be at the residence and that he stole her documentation so she cannot go to Court. She also stated that Mykel Jenkins needs to get out of her home and have his own life.⁹

³ Isabel Jenkins Depo P. 71 lines 10-23

⁴ See 911 Incident detail report

⁵ Axon_Body_3_Video X6039A40D 8:29-8:35

⁶ Axon_Body_3_Video X6039A40D 9:30-9:51

⁷ Axon_Body_3_Video X6039A40D 9:30-9:51

⁸ Axon_Body_3_Video X6039A40D 10:05-11:24

⁹ Axon_Body_3_Video X6039A40D 16:00-17:48

10. Ms. Isabel Jenkins also informed police that Mykel Jenkins was on drugs and that he has friends that give him cocaine.¹⁰
11. Officers later followed Mykel Jenkins into another bedroom and asked him to come with them to go get help. During this exchange, Mykel Jenkins continues to move back and forth and picks up a sharp object.¹¹
12. Officer Blumenberg instructed Mykel Jenkins to put the objects in his hand down several times.¹²
13. Mykel Jenkins then approached officer Martin in an aggressive manner with the sharp object and tells him “I’m gonna get you. Left eye or Right eye I’ll get them both.”¹³
14. Officer Blumenberg tells Mykel Jenkins to put down the items in his hands several times due to his close proximity to Officer Martin. Mykel Jenkins refuses to put down the items and Officer Blumenberg eventually deployed his taser on Mykel Jenkins.¹⁴
15. Before this taser incident occurred, Ms. Isabel Jenkins was moved to another part of the home outside of the bedroom where the officers and Mykel Jenkins were located.¹⁵
16. Ms. Isabel Jenkins was in another room of the house when Mykel Jenkins was tased.
17. After the taser was deployed, Mykel Jenkins started to approach Officer Martin. Officer Martin delivered a front kick to Mykel Jenkins and Mykel Jenkins fell onto the bed.¹⁶
18. Mykel Jenkins attempted to get up and aggressively approached Officer Blumenberg. Officer Blumenberg again instructed Mykel Jenkins to put down the sharp object and other

¹⁰ Axon_Body_3_Video X6039A40D 16:00-17:48

¹¹ Axon_Body_3_Video X6039A40D 20:39-21:36

¹² Axon_Body_3_Video X6039A40D 21:39-23:20

¹³ Axon_Body_3_Video X6039A7V1 12:06-23:29

¹⁴ Axon_Body_3_Video X6039A40D 23:50-24:48

¹⁵ Isabel Jenkins Depo. P. 89 Lines 17-24

¹⁶ Axon_Body_3_Video X6039A40D 23:50-24:48

items in his hands. Mykel Jenkins did not comply with Officer Blumenberg's orders and moved closer to Officer Blumenberg in a threatening manner. Officer Blumenberg then shot Mykel Jenkins multiple times with his service weapon.¹⁷

19. After the shooting, Ms. Isabel Jenkins was interviewed by the Hamilton County Sheriff's department where she gave a statement.¹⁸
20. In Ms. Jenkins' statement, she advised the Sheriff's Department investigator that Mykel Jenkins was not supposed to be there. She also stated that he was "going crazy" and would not leave.¹⁹
21. Ms. Isabel Jenkins admitted that Mykel Jenkins had a background of taking drugs and had previously been violent with her. Ms. Isabel Jenkins also stated that Mykel Jenkins had previously gotten violent with her.²⁰
22. The post-mortem examination of Mykel Jenkins revealed that he had 2100/ng/mL of methamphetamine, 64ng/mL of amphetamine in his system at the time of his death.²¹
23. The actions of Officer Blumenberg were reviewed by his chain of command. The chain of command investigation found that Officer Blumenberg's actions in the use of deadly force were in compliance with both the City of Chattanooga Police department policy in ADM-05 and Tennessee state law.²²

¹⁷ Axon_Body_3_Video X6039A40D 23:50-24:48

¹⁸ Isabel Jenkins Depo. P. 94 lines 2-16

¹⁹ Hamilton County Jenkins Interview 12:30-12:33

²⁰ Hamilton County Jenkins Interview 15:30-19:40

²¹ Cogswell Affidavit ¶5

²² See Scruggs Affidavit ¶13

24. Prior to March 19, 2021, none of the officers involved- Officer Blumenberg, Officer Vrandenburgh, Officer Timmons, and Officer Martin had any founded or sustained Internal Affairs investigations concerning improper use of force or improper arrest procedures.²³

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF CHATTANOOGA, TENNESSEE

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a true and correct copy of the foregoing pleading through the Court's ECF electronic filing system:

This 2nd day of October, 2023.

s/ Phillip A. Noblett

²³ See Scruggs Affidavit ¶¶7-10